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09/986,814	11/13/2001	Alistair William McLean	1263.1726	6182

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EXAMINER	
NGUYEN, LE V	
ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/986,814	MCLEAN ET AL.	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-117* is/are pending in the application.

4a) Of the above claim(s) *45-96 and 104-117* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44 and 97-103* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *12/21/05*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 45-96 and 104-117 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions Groups II and III, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/31/05.

Applicant's election with traverse of Inventions Group I in the reply filed on 8/31/05 is acknowledged. The traversal is on the ground(s) that applicant feels that there would not be an undue burden in examining Groups I, II and III in a single application since the three groups of claims are not so different. This is not found persuasive because these inventions are distinct and have acquired separate status in the art as evident by their different classification and divergent subject matter.

2. This action is non-final and replaces the previous office action due to the following reason: although Steed is one of the inventor, the Steed et al. reference should be referred to as Madden et al. Furthermore, claims 8-10 does not require the Madden, Steed and Djajadi reference.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

A complete post office address is missing.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by "at least one of the processing elements is operable to edit a component of the user interface control object corresponding to a preceding processing element in the sequence". The examiner will interpret "at least one of the processing elements is operable to edit a component of the user interface control object corresponding to a preceding processing element in the sequence" to mean that the data processing apparatus for processing data objects comprises dependency of adjacent filters.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by "one of the processing elements in the sequence is a user interface processing element operable to edit the user interface control object but which is transparent to the data objects". The examiner will interpret "one of the processing elements in the sequence is a user interface processing

element operable to edit the user interface control object but which is transparent to the data objects" to mean that the component only has a user interface part.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by "output means for outputting code defining an application defined by the set of processing elements for input in use to an external apparatus having a further operating environment within which the application is operable". The examiner will interpret "output means for outputting code defining an application defined by the set of processing elements for input in use to an external apparatus having a further operating environment within which the application is operable" to mean that the data processing apparatus for processing data objects comprises code generation means.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7, 11-18, 21, 22, 24-29, 33-40, 42, 43, 44 and 97-103 are rejected under 35 U.S.C. 102(b) as being anticipated by Kodosky et al. ("Kodosky").

As per claim 1, Kodosky teaches data processing apparatus for processing data objects comprising a set of processing elements operable to perform respective

processing tasks (Abstract; *described are functions/filters/processing elements wherein the task is what the function does*); an operating environment receiving the processing elements in co-operable relationship (fig. 1; *element 20, an operating environment receiving the processing elements so that they work together*), a first channel/subsystem defined by the operating environment and operatively connecting the processing elements in a sequence for communicating the data objects between successive processing elements in an order defined by the sequence (Abstract *and "data flow diagram"; wherein the operating environment is the engine that executes the diagram and passes data from one filter to the next*), a second channel defined by the operating environment for communicating a user interface control object between successive processing elements in the sequence and a user interface controller responsive to the user interface control object when output from a last processing element in the sequence to generate control data for controlling a user interface in use to present information to the user for controlling the processing elements (Abstract; col. 8, lines 66-67; *panel*).

As per claim 2, Kodosky teaches data processing apparatus for processing data objects wherein each processing element is operable to edit the user interface control object to add a respective component of the user interface control object (Abstract; fig. 22; *each element has an interface component device represented graphically wherein the user interface control provides logic for displaying*).

As per claim 3, Kodosky teaches data processing apparatus for processing data objects wherein at least one of the processing elements is operable to edit a

component of the user interface control object corresponding to a preceding processing element in the sequence (fig. 22; col. 16, line 61 through col. 17, line 41; *illustrated are the wiring blocks representing dependency of adjacent filters*).

As per claim 4, Kodosky teaches data processing apparatus for processing data objects wherein the control data generated by the user interface controller is for defining a display area of a graphical user interface within which information defined by each component is presented in a respective window (fig. 22; *each icons are windows*).

As per claim 5, Kodosky teaches data processing apparatus for processing data objects wherein the user interface controller is operable to generate the control data such that the respective windows are positioned in the display area in an order corresponding to the order of the sequence of processing elements in the operating environment (fig. 22; col. 10, lines 9-15; *each icon can be placed relative to the sequencing in the diagram wherein the order laid out is the order operated on*).

As per claim 6, Kodosky teaches data processing apparatus for processing data objects wherein the user interface controller is operable to generate the control data such that each window displays information defined by a respective component identifying the respective processing element to thereby indicate in use to the user the identity of processing elements in the sequence within the operating environment (col. 29, lines 44-48; col. 37, line 45).

As per claim 7, Kodosky teaches data processing apparatus for processing data objects wherein the component of the user interface control object corresponding to at least one of the processing elements defines code for enabling the respective window

to display control parameters for controlling the processing element (col. 8, lines 62-64; *setting parameters*).

As per claim 11, Kodosky teaches data processing apparatus for processing data objects wherein one of the processing elements in the sequence is a user interface processing element operable to edit the user interface control object but which is transparent to the data objects (fig. 57; col. 25, line 59 through col. 26, line 2; *displayed on the right hand side are modules wherein the graphical displayed modules does not do any processing unlike a component, which has both a processing and a user interface part*).

As per claim 12, Kodosky teaches data processing apparatus for processing data objects wherein at least one of the processing elements is operable to selectively edit one or more components of the user interface control object in respect of preceding processing elements in the sequence so as to remove at least part of the information presented by their respective windows from the display area (figs. 1 and 22; element 22, *wherein by definition and common to editors an editor performs editing operation*).

As per claim 13, Kodosky teaches data processing apparatus for processing data objects comprising a system controller operable to select said processing elements from a library of processing elements and to load selected processing elements into the operating environment in said sequence determined by the user (fig. 7; col. 9, lines 32-43; *depicted are library of components that can be selected*).

As per claim 14, Kodosky teaches data processing apparatus for processing data objects wherein the system comprises a memory and the controller is operable to store

in said memory the set of processing elements as a customized application for subsequent reuse (fig. 1; *inherent given that an operating environment requires memory*).

As per claim 15, Kodosky teaches data processing apparatus for processing data objects comprising output means for outputting code defining an application defined by the set of processing elements for input in use to an external apparatus having a further operating environment within which the application is operable (col. 3, lines 53-56; *code generation*).

As per claim 16, Kodosky teaches data processing apparatus for processing data objects in combination with a user interface defining a data display area for displaying representations of the data objects, a selector window for displaying a library of processing elements for user selection, and a processing element display window containing a representation of the selected processing elements (figs. 53 and 57; col. 24, lines 30-55; col. 25, line 59 through col. 26, line 29; *instrument panel displays the data object*).

As per claim 17, Kodosky teaches data processing apparatus for processing data objects wherein at least one of the processing elements comprises means for adding control features to data objects communicated via the processing element, the control features comprising a data specific user interface control object for causing a respective control icon to be displayed in registration with each displayed data object when the user interface comprises a graphical user interface (fig. 22; *diagram is displayed on the screen*).

As per claim 18, Kodosky teaches data processing apparatus for processing data objects wherein the processing element for adding control features to data objects comprises means for performing a processing task in response to selection of the control icon (col. 37, lines 43-53).

As per claims 20 and 21, Kodosky teaches data processing apparatus for processing data objects wherein the sequence of processing elements c comprises an object generating processing element for generating a peripheral device control object defining a user interface for controlling a peripheral device to which the external apparatus is connected in use and wherein the object generating processing element is responsive to at least one data object defining attributes of the peripheral device to generate the peripheral device control object such that it defines control data for controlling a user interface to present information to the user of the external device for controlling corresponding operating parameters of the peripheral device (fig. 22; col. 16, line 61 through col. 17, line 41; *wherein a peripheral device is a device connected to a computer, controlled by the computer and exchange data with the computer and Kodosky's peripheral devices are the measuring instruments connected to the computer*).

Claims 23 and 97-103 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claim 24 is similar in scope to claim 2 and is therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claim 26 is similar in scope to claim 4 and is therefore rejected under similar rationale.

Claim 27 is similar in scope to claim 5 and is therefore rejected under similar rationale.

Claim 28 is similar in scope to claim 6 and is therefore rejected under similar rationale.

Claim 29 is similar in scope to claim 7 and is therefore rejected under similar rationale.

Claim 33 is similar in scope to claim 11 and is therefore rejected under similar rationale.

Claim 34 is similar in scope to claim 12 and is therefore rejected under similar rationale.

Claim 35 is similar in scope to claim 13 and is therefore rejected under similar rationale.

Claim 36 is similar in scope to claim 14 and is therefore rejected under similar rationale.

Claim 37 is similar in scope to claim 15 and is therefore rejected under similar rationale.

Claim 38 is similar in scope to claim 16 and is therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 17 and is therefore rejected under similar rationale.

Claim 40 is similar in scope to claim 18 and is therefore rejected under similar rationale.

Claim 42 is similar in scope to claim 20 and is therefore rejected under similar rationale.

Claim 43 is similar in scope to claim 21 and is therefore rejected under similar rationale.

Claim 44 is similar in scope to claim 22 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 8-10, 23 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodosky et al. ("Kodosky").

As per claims 8, 9 and 10, although Kodosky teaches a data processing apparatus for processing data objects wherein the component of the user interface control object corresponding to at least one of the processing elements defines code for a graphical users interface (fig. 57; *the function/filter, e.g. panel wherein the panel is a*

GUI customized for taking measurements, can generate interface components), Kodosky does not explicitly disclose enabling the respective window to display buttons, toolbars and data which is input, such as entering text, via the user interface to the processing element. Official notice is taken that text, buttons and toolbars are standard in modern graphical user interfaces. Moreover, text, buttons and toolbars are standard components of the user interface so any modern system that generates a user interface as taught by Kodosky would be expected by an artisan at the time of the invention to generate those standard components to enter data.

As per claim 23, which is dependent on claim 4, Kodosky teaches data processing apparatus for processing data objects comprising user interface control object (figs. 22, 53 and 57), Kodosky does not explicitly disclose the user interface control object comprising a document written in a markup language. Official Notice is taken that using process models to store data as XML documents is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to use process models to store data as XML documents to Kodosky's data processing apparatus for processing data objects comprising user interface control object so that the process model is 1) human readable, and 2) compatible across systems, i.e. independent of underlying binary represented scheme.

Claims 30, 31 and 32 in combination are similar in scope to the combination of claims 8, 9 and 10 and are therefore rejected under similar rationale.

10. Claims 19 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodosky et al. ("Kodosky") in view of Steed et al. ("Steed").

As per claim 19, Kodosky teaches a data processing apparatus for processing data objects comprising the peripheral device exercising its capability or peripheral device function (fig. 22) wherein if the peripheral device is an instrument than it measures (fig. 22), and it follows logically that if the peripheral device is a printer than it prints; however, Kodosky does not explicitly disclose that the device is a printer. Steed teaches data acquisition/generation that include instrumentation and printer devices (col. 7, lines 40-44). Therefore, it would have been obvious to an artisan at the time of the invention to incorporate the apparatus of Steed with the apparatus of Kodosky so that users may utilize other types of I/O device or peripheral data acquisition.

Claim 41 is similar in scope to claim 19 and is therefore rejected under similar rationale.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Austin (US 5,504,917) teaches a method and apparatus for providing picture generation and control features in a graphical data flow environment.

Shen et al. (US 5,572,525) teaches GPIB extender with find listener protocol capabilities.

Rogers et al. (US 5,737,622) teach a method and apparatus for more efficient function synchronization in a data flow program.

http://web.archive.org/web/19990508060312/http://msdn.microsoft.com/vstudio/ : teaches a development system that collects application data by use of instrumentation within the application environment in a distributed collection architecture.

Inquires

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN
Patent Examiner
January 8, 2006

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